



Testimony on SB 384 and SB 385 to the House Criminal Justice Committee

November 9, 2015

SB 384 and SB 385 on OIG Authority to Exercise Arrest Powers and Carry Weapons

We are very concerned about SB 384 and SB 385 insofar as it would allow OIG investigators to carry weapons and exercise arrest powers. The proposed amendment would give the DHHS Director unlimited authority to turn OIG investigators into law enforcement officers in all cases. There is **no distinction in the bill between large-scale investigations of retailer fraud or trafficking, and individual cases of alleged failure to report information** resulting in an overpayment.

There is **no provision written into the law requiring appropriate training** for individuals granted these law enforcement powers. Individuals should be required to participate in training prescribed by the Michigan Commission on Law Enforcement Standards (MCOLES), such as Basic Law Enforcement Training, and in the MCOLES' Active Duty Firearm Standard program. The statute should also require any personnel required to carry weapons to attend police trainings on de-escalation practices. Any increased authority for the OIG should be carefully circumscribed and accompanied by stringent training requirements.

Further, we are very concerned that SB 384 and SB 385 permit OIG investigators to intimidate individuals with arrest and use of weapons. Sometimes, individuals make missteps or are falsely accused of withholding information from DHHS. These mistakes should not be met with the violent and escalated actions of arrest and use of weapons. There is **no provision to ensure the Constitutional rights of those being investigated and the safety of the public are protected**. We are concerned this tremendous expansion of OIG investigators' police power may lead to Constitutional violations.